



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,999	08/10/2006	Sapir Tal	27624U	4544
20529	7590	12/29/2008		
THE NATH LAW GROUP 112 South West Street Alexandria, VA 22314			EXAMINER	
			PIERCE, WILLIAM M	
			ART UNIT	PAPER NUMBER
			3711	
			MAIL DATE	DELIVERY MODE
			12/29/2008 PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/588,999

Applicant(s)

TAL, SAPIR

Examiner

William M. Pierce

Art Unit

3711

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 15-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 32 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. These claims recite intended use that fails to further limit the structure of the claimed invention.

While applicant remarks that he has amended claim 32, no amendments to this claim appear to have been submitted

Claim Rejections - 35 USC § 112

Claim 15, 26 and their dependant claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 15, "fur-like" is indefinite. Claim 26 is indefinite without a relative standard to what is considered "soft". For the purposes of this rejection, metals such as brass are considered "soft".

Applicant submits that fur-like is not indefinite since it conveys real fur as well as synthetic fur. However, the problem with such a term is that the scope of the claim cannot be determined. Most broadly a product such as Velcro, carpet or any cloth with a plush nap can arguably be described as "fur-like". Since one cannot determine the metes and bounds, this term remains indefinite.

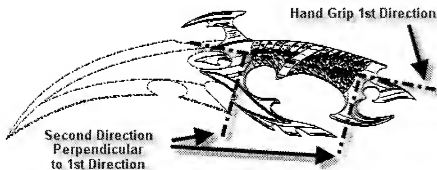
As to a relative term such as "soft material" containing no measurable means for comparison, the claim is rendered indefinite. The term is subjective, while one may consider brass to be soft as a metal, it certainly would not be considered soft by one when struck. Here soft is a relative term that renders the claim indefinite.

The rejection to claim 31 has not been sustained in view of the amendments made.

Claim Rejections - 35 USC § 102

Claims 1 and 3-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rae D478,957 as set forth in the previous office action.

Applicant remarks that Rae does not show first and third spikes generally perpendicular to the first direction is not agreed with based on the broadest interpretation. Here the claims call for "directions" that the spikes extend with respect to a direction of a grip portion. From the figure below, one can see where the spikes extend in a direction perpendicular to the grip as called for by the claims.



Where it appears that applicant is intending to amend the scope of the claims to recite the shape as described in his fig. 1B,

Claims 2 and 15-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rae in view of matters considered old and well known to striking weapons as set forth in the previous office action.

"As to claim 2 finger ridges to improve grip on hand held devices are old and well known. To have placed finger ridges on Rae would have been obvious in order to improve ones grip on the device. As to claims 15 and 24, it is old to provide fur material to devices in order to make them more comfortable, it would have been obvious to have applied a fur like material to Rae in order to make it more comfortable to grip. As to claim 16-23 and 25 combining diverse articles such as key rings, tools, stun circuits, gas ejecting means and audible noise generation is old to striking weapons. To have combined such with Rae would have been obvious in order to combine the known utility of those articles into the device of Rae. As to claim 26 the selection of known materials in order to take advantage of known properties is considered obvious. As to claim 27, the use of wrist straps on weapons is considered old. To have provided one on Rae would have been obvious in order to prevent the device from becoming lost while in use. As to claims 28-30, telescopic batons are old and well known. Combining such with Rae would have been obvious in order to extend its striking distance. As to claim 31, the use of sheaths and carrying cases are old and well known. To have provided one for Rae would have been obvious in order to make it easier and safer to carry. As to claim 32, Rae is capable as being used to carry bags. Fitting weapons such as brass knuckles with a belt clip is old. To have provided Rae with a belt clip as called for by claim 33 would have been obvious in order to attempt to disguise it as a belt buckle. As to claims 34-36, it has been held that the addition of instructions for how to use a device cannot impart patentability. See *In re Ngai* (5~13~04)(Michel, Garjarsa, Linn)(per curiam).

Conclusion

Applicant's arguments filed 9/2/08 have been fully considered but they are not persuasive as set forth above in the grounds for rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Pierce whose telephone number is 571-272-4414 and E-mail address is bill.pierce@USPTO.gov. The examiner can normally be reached on Monday and Friday 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, communication via email at the above address may be found more effective. Where current PTO internet usage policy does not permit an examiner to initiate communication via email, such are at the discretion of the applicant. However, without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the

appropriate patent application. The following is a sample authorization form which may be used by applicant:

"Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me by responding to this inquiry by electronic mail. I understand that a copy of these communications will be made of record in the application file."

For further assistance examiner's supervisor, Gene Kim can be reached on 571-272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/William M Pierce/

Primary Examiner, Art Unit 3711